

TEXAS HISTORICAL COMMISSION

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June 27, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: *Proposed Amendment to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, Distributed Antenna Systems and Small Cell Facilities, WT Docket No. 15-180 (FCC/106, THC #201607307)*

Ms. Dortch:

Thank you for the Public Notice of May 12, 2016, concerning the proposed amendment to the existing Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (Collocation Agreement) regarding the review of small wireless antennas, distributed antenna systems, and related equipment under Section 106 of the National Historic Preservation Act. This letter serves as comment on the proposed Collocation Agreement amendment from the Texas State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC).

THC staff, led by Elizabeth Brummett, Lydia Woods, and Justin Kockritz, has completed its review of the proposed Collocation Agreement amendment and offers the following comments:

- Stipulation V.A.1: Footnote #1 states that “consulting public records” alone is an acceptable method to determine the age of a building. However, due to the unreliability of public tax records, which may confuse the original construction date with the date of the latest major renovation, or which may use wildly inaccurate default estimates of the construction date, THC strongly recommends that the opinion of a consultant who meets the Secretary of the Interior’s Professional Qualifications be the only acceptable option.
- Stipulation VI and VII: For all references to small antennas within 250 feet of a “historic district,” revise to “historic property” to account for potential changes to the setting of all historic properties listed in or eligible for listing in the National Register of Historic Places, not just historic districts. The definition of “historic property” from 36 CFR § 800.16(l)(1), which includes districts, sites, buildings, structures, and objects, should also be incorporated.
- Stipulation VII.A.1.c, VII.A.3, and VII.D.2: An exclusion is proposed for small antennas on historic properties or within a historic district if “stealth techniques that match or complement” the collocation structure are used or the antenna is “installed in a way that does not damage historic materials and permits removal...without damaging historic materials.” If determinations of effect are being made without SHPO consultation regarding what is compatible or what installation methods are appropriate for historic buildings, these stipulations must be clarified and strengthened. At a minimum, THC recommends incorporating by reference the Secretary of the Interior’s *Standards for Rehabilitation*, specifically Standards No. 5 and 9, providing additional guidance such as anchoring antennas and related equipment into mortar rather than masonry, ensuring that the antenna and any enclosure are painted to match the structure, and any other best practices.
- Stipulation VII.B.3: This exclusion should also require that the installation of antennas and related equipment not damage historic materials and permit removal without damaging historic materials. Without this requirement the installation of



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antennas could adversely affect historic features and streetscape elements, such as paving, curbs, storefronts, and landscaping, without SHPO consultation.

- Stipulation VII.C: Throughout this stipulation, THC recommends revising “contributing element” to “contributing or compatible element” to account for effects to streetscape features that are appropriate to the historic character of their setting even if they themselves are not of historic age.
- General: The Recorded Texas Historic Landmark designation is awarded to properties throughout the state that are generally fifty years of age, are historically and architecturally significant, and retain a high degree of historic integrity. THC believes that RTHLs meet the standards of Stipulation VI.D.1.a.v in the Nationwide Programmatic Agreement (NPA) and should be considered eligible for listing in the National Register. Our Historic Sites Atlas provides information on RTHLs, including location and historic marker text, to the public and consultants. State law requires that THC is notified of any exterior work, beyond normal maintenance and repair, to an RTHL. THC also notes that other designations, including THC’s Historic Texas Cemetery program and many local landmark programs, likely meet these standards as well but are not being properly considered currently and will not be considered in the future unless there is SHPO consultation.
- General: At this time, our Historic Sites Atlas does *not* include information on any properties that have been determined eligible for listing in the National Register as a result of previous consultation under Section 106 or Section 110. While THC is working to catalog information on these previous determinations of eligibility and make them publically available, there are thousands of historic properties—ranging from individual buildings to large historic districts—that are not being identified by the FCC’s applicants under the existing NPA and Collocation Agreement. This amendment would lead to further problems and potential adverse effects by allowing applicants to assume a property is not historic without SHPO consultation, and therefore to then assume that the compatibility requirements and non-destructive installation methods are not required. At a minimum, the installation and antenna design requirements of Stipulation VII could be applied to collocation on any building or structure more than 45 years old.

Thank you for the opportunity to review and comment the proposed Collocation Agreement amendment. A copy of these comments were also submitted through the FCC’s Electronic Comment Filing System on June 27, 2016. We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. If you have any questions concerning our review, or if we can be of further assistance, please contact Justin Kockritz at 512-936-7403 or justin.kockritz@thc.texas.gov.

Sincerely,



Justin Kockritz, Historian, Federal Programs
For: Mark Wolfe, State Historic Preservation Officer

cc: Stephen Del Sordo, FCC, Federal Preservation Officer *via e-mail*
Erik Hein, NCSHPO, Executive Director *via e-mail*